

1 UNITED STATES DISTRICT COURT  
 2 WESTERN DISTRICT OF WASHINGTON  
 3 AT TACOMA

4 WILLIAM RENJOIR,

5 Plaintiff,

6 v.

7 STATE OF WASHINGTON, et al.,

8 Defendants.

CASE NO. C13-5556 BHS

ORDER DENYING MOTION TO  
 PROCEED *IN FORMA PAUPERIS*  
 AND DISMISSING COMPLAINT

9 This matter comes before the Court on Plaintiff William Renjoir's ("Renjoir")  
 10 motion to proceed *in forma pauperis* (Dkt. 1) and proposed complaint (Dkt. 1-1).

11 On July 10, 2013, Renjoir filed the instant motion and proposed complaint  
 12 alleging that the State of Washington's emergency shelters are inadequate. Dkt. 1-1.

13 The district court may permit indigent litigants to proceed *in forma pauperis* upon  
 14 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). However, the  
 15 "privilege of pleading *in forma pauperis* . . . in civil actions for damages should be  
 16 allowed only in exceptional circumstances." *Wilborn v. Escalderon*, 789 F.2d 1328 (9th  
 17 Cir. 1986). Moreover, the court has broad discretion in denying an application to proceed  
 18 *in forma pauperis*. *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied* 375  
 19 U.S. 845 (1963).

20 A federal court may dismiss *sua sponte* pursuant to Fed. R. Civ. P. 12(b)(6) when  
 21 it is clear that the plaintiff has not stated a claim upon which relief may be granted. *See*  
 22 *Omar v. Sea Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) ("A trial court may

1 dismiss a claim *sua sponte* under Fed. R. Civ. P. 12(b)(6) . . . . Such a dismissal may be  
 2 made without notice where the claimant cannot possibly win relief.”). *See also Mallard*  
 3 *v. United States Dist. Court*, 490 U.S. 296, 307 (1989) (there is little doubt a federal court  
 4 would have the power to dismiss a frivolous complaint *sua sponte*, even in absence of an  
 5 express statutory provision). A complaint is frivolous when it has no arguable basis in  
 6 law or fact. *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir. 1984).

7 In this case, Renjoir has failed to establish jurisdiction in this Court. In order to  
 8 have standing to pursue an action, a plaintiff must have suffered an “injury in fact-an  
 9 invasion of a legally protected interest which is (a) concrete and particularized, and (b)  
 10 actual or imminent, not conjectural or hypothetical. *Lujan v. Defenders of Wildlife*, 504  
 11 U.S. 555, 560 (1992) (citations and quotations omitted). “When . . . a plaintiff’s asserted  
 12 injury arises from the government’s allegedly unlawful regulation (or lack of regulation)  
 13 of someone else, much more is needed.” *Id.* at 561. Renjoir’s allegations are a  
 14 generalized grievance of the government’s lack of regulation and fail to allege facts or  
 15 law giving rise to jurisdiction of the Court. Therefore, the Court **DISMISSES** the  
 16 complaint for lack of standing and **DENIES** the motion to proceed *in forma pauperis*.

17 **IT IS SO ORDERED.**

18 Dated this 17th day of July, 2013.

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21 BENJAMIN H. SETTLE  
 22 United States District Judge